

City of Scottsbluff, Nebraska

Monday, May 4, 2015

Regular Meeting

Item Consent1

Approve the minutes of the April 20, 2015 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
April 20, 2015

The Scottsbluff City Council met in a regular meeting on Monday, April 20, 2015 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on April 17, 2015, in the Star Herald, a newspaper published and of general circulation in the city. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public. That anyone with a disability desiring reasonable accommodations to attend the council meeting should contact the city clerk's office, and that an agenda of the meeting kept continuously current was available for public inspection at the office of the city clerk in City Hall; provided, the city council could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and KDUH, and the Star Herald. The notice was also available on the City's website on April 17, 2015. An agenda kept continuously current was available for public inspection at the office of the city clerk at all times from publication of the notice to the time of the meeting.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. Boy Scout Jason Moranville led the Pledge of Allegiance. Mayor Meininger welcomed everyone in attendance and encouraged all citizens to participate in the council meeting asking those wishing to speak to come to the microphone and state their name and address for the record. Mayor Meininger informed those in attendance that a copy of the Nebraska Open Meetings Act is posted in the back of the room on the west wall for the public's review. The following Council Members were present: Raymond Gonzales, Jordan Colwell, Randy Meininger, Liz Hilyard and Scott Shaver. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. There were none. Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none. Moved by Council Member Gonzales, seconded by Mayor Meininger that,

1. "The minutes of the April 6, 2015 Regular Meeting be approved,"
2. "The RFP for audit services be approved and authorize the city clerk to advertise for bids to be received by June 5, 2015, 4:00 p.m."
3. "The Bid Specifications for Paving District 312 be approved and authorize the city clerk to advertise for bids to be received by May 12, 2015, 2:00 p.m.,"
4. "The property damage claim from Ester DeOllos for up to \$491.02 for carpet damage due to a leaky water meter, be acknowledged and forwarded to the city's insurance carrier," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Hilyard, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated April 20, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS" None. Absent: None.

CLAIMS

3M CENTER-TRAFFIC CONTROL,SUPP - HANDICAP STENCILS,600; ACTION COMMUNICATIONS INC.,12 PAGER BATTERIES,884.51; AHLERS BAKING INC,DEPT SUPPL,59.99; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4921.81; ANITA'S GREENSCAPING INC,BID CNTRCL SRVCS,866.67; ASSURITY LIFE INSURANCE CO,LIFE INS EE,34.36; ATLAS COPCO COMPRESSORS, LLC,EQUIPMENT,14590.93; B&C

STEEL CORPORATION,SUPP IRON,239.56; BLUFFS SANITARY SUPPLY INC.,DEPT & JANIT SUPPL,516.84; BOHL, MARK,TRAINING,36.68; BRIDGER TWOMBLY,SCHOOL,245; BRUNZ, BRANDI,SCHOOLS & CONF,45; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS,223.2; CARLSON, DEBRA,REIMB,117.44; CARR TRUMBULL LBR INC.,DEPT SUP,50.33; CELCO PARTNERSHIP,CELL PHONE USE,171.99; CEMENTER'S INC,CONCRETE FOR PARKING LOT #10,725; CENTRAL TECHNICAL COMMUNITY,CLASS FEES FOR GLENN,75; CHRIS REYES,DEPT SUPPL,319; CITIBANK N.A.,SUPP,471.59; CITIBANK, N.A.,SUPP,141.95; CITY OF GERING,DISPOSAL FEES,42030.64; CITY OF SCB,POSTAGE,25.9; CLARK PRINTING LLC,DEP SUP,248.9; COMPUTER CONNECTION INC,RENT-MACHINE,58.84; CONTRACTORS MATERIALS INC.,DEPT SUP,211.84; CREDIT MANAGEMENT SERVICES INC.,WAGE ATT,191.4; CULLIGAN OF SCOTTSBLUFF,DEP SUP,99.6; CYNTHIA GREEN,DEPT SUPPL, 165.09; D & H ELECTRONICS INC.,EQUIP MAINT,182.3; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,1887.21; DUANE E. WOHLERS,DISPOSAL FEES,800; FASTENAL COMPANY, DEPT SUPPLIES,23.59; FEDERAL EXPRESS CORPORATION,POSTAGE,1078.82; FLOYD'S TRUCK CENTER, INC,EQUIP MAINT,1676.05; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPPL/EQUIP MAINT,531.39; GENERAL TRAFFIC CONTROLS, INC,DETECTOR CARD FOR TRAFFIC SIGNAL,826.18; H D SUPPLY WATERWORKS LTD,METERS,664.65; HAWKINS, INC.,CHEMICALS,2021.55; HEILBRUN'S INC.,DEPT SUPPLIES,2991.13; HENKEL'S MACHINE AND WELDING,VEH MAINT,50; HOLIDAY INN - MID TOWN,SCHOOLS & CONF,166; HULLINGER GLASS & LOCKS INC.,CIP-PO SUPPLIES,110.75; HYDRONIC WATER MANAGEMENT,EQUIP MAIN,725; ICMA RETIREMENT TRUST-457,DEF COMP,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPPLIES,864.63; INDEPENDENT PLUMBING AND HEATING, INC,GRD MTC,580.49; INGRAM LIBRARY SERVICES INC,BKS,170.54; INTERNAL REVENUE SERVICE,PYRL W/H TAXES,68045.65; INTERNATIONAL ASSOCIATION OF ELECTRICAL INSPECTORS,DEPT MMBRSH,102; INTRALINKS, INC,SUPPLIES,3038.94; JEROLD E. HIGEL,TRAFFIC SIGNAL & CONTROLLER SERVICE,1681.26; JOHN DEERE FINANCIAL,DEP SUP,39.47; JOHN DEERE FINANCIAL,DEP SUP,66.76; JOHN DEERE FINANCIAL,MOWER,1899; JOHNSON CASHWAY LUMBER CO,GRD MTC,1230.88; KOIS BROTHERS EQUIPMENT CO INC,DEPT SUPPLIES,475; KRIZ-DAVIS COMPANY,BULB FOR PSB,38.19; LEAGUE ASSOCIATION OF RISK MANAGEMENT,WC PREMIUM,9594.73; LEAGUE OF NEBRASKA MUNICIPALITIES, CONFERENCE - JOHNSON & KUCKKAHN,190; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,100; M.C. SCHAFF & ASSOCIATES, INC,WATER MAIN PROJECT,20472; MADER, PERRY,SCHOOL/CONF,63; MADISON NATIONAL LIFE,INS-LIFE&DIS,1836.24; MARIE'S EMBROIDERY,UNIFORMS,20.5; MATEO MORALES,SCHOOL,165; MATHESON TRI-GAS INC,DEP SUP,149.01; MENARDS, INC,PAINT SUPPLIES FOR PSB BOLLARDS,452.1; MIDLANDS NEWSPAPERS, INC,SBSCR,25; MIDLANDS NEWSPAPERS, INC,LEGAL PUB,1987.27; MIDWEST MOTOR SUPPLY CO INC,SAFETY GLASSES,161.4; MOWER SHOP, THE,EQP MTC,4.26; MUNICIPAL SUPPLY INC. OF NEBRASKA,DEPT SUP,2119.62; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1814.68; NE DEPT OF REVENUE,WAGE ATT,50; NEBRASKA RURAL WATER ASSOCIATION,SCHOOL & CONF,375; NEBRASKA MACHINERY CO,PARTS FOR BACKHOE,60.84; NEBRASKA PRINTWORKS, LLC,CONTRACTUAL SVC,840.15; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 42180.66; NEBRASKA SOCIETY OF CPA'S,MEMBERSHIP DUES,130; NEBRASKALAND TIRE, INC,VEH MAINT,323.88; NELSON ELECTRIC MOTOR SERVICE, INC,EQUIP MAINT,87.18; NETWORKFLEET, INC,SUPP,18.95; NEWMAN, TIMOTHY, SCHOOLS & CONF,45; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GRD MTC,364.88; O'BANNON, BRIAN,

TREE REBATE,150; PANHANDLE CLERK'S ASSOC,DUES,10; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,18945.94; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES,54; PAUL REED CONSTRUCTION & SUPPLY, INC,WATER MAIN PROJECT, 101940.17; PIEZO METRICS, INC,DEPT SUP,4752.89; PLATTE VALLEY BANK,HSA EE&ER, 13425.23; POSTMASTER,POSTAGE,638.02; PRAISE WINDOWS INC,BLDG MAIN,645; PROTEX CENTRAL, INC.,CONTRACTUAL SVC,27.07; QUILL CORP,DEPT SUPPL,733.8; REAMS SPRINKLER SUPPLY CO.,GRD MTC,1637.53; REGION I OFFICE OF HUMAN DEVELOPMENT, CONTRACTUAL SERVICES,825; REGIONAL CARE INC,FLEX CLAIM,69517.31; REGIONAL CARE INC, 300 FLEX BENEFIT; REGIONAL WEST MEDICAL CENTER,WELLNESS,1041.75; REGISTER OF DEEDS,LEG FEE,20; RICHARD JOHNSON,CON SRV,509.94; ROBERTA J BOYD,REIMB.,27.33; RS VENTURES LLC,VEH MAINT,1899.63; RUSHMORE MEDIA COMPANY, INC,STRM WTR PSA'S,325; S M E C,EE DEDUCTIONS,238; SANDBERG IMPLEMENT, INC,EQP MTC,630.95; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,252; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,445; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES, 624; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,36 UNIFORM SHIRTS, 499; SCOTTSBLUFF SENIOR CENTER,CONTRACT,5750; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,13358.1; SIMON CONTRACTORS,DEPT SUP, 13711.83; SNELL SERVICES INC.,ELC MTC,424.46; SPECIAL INVESTIGATIONS, INVESTIGATION,4198.64; SPECIAL INVESTIGATIONS, CONTRACTUAL,111.88; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUP,77.68; TRANS IOWA EQUIPMENT LLC,PAYMENT ON SNOW BLOWER,2500; TRINITY BURGNER,CONF,63; TWIN CITIES DEVELOPMENT ASSOC, INC,CONTRACT,25000; TYLER TECHNOLOGIES, INC,FEES,1480.5; UNIQUE MANAGEMENT SERVICES, INC,CONT. SVCS,179; US BANK,DEP SUP,1256.81; WELLS FARGO BANK, N.A.,RETIREMENT CONTR,31529.56; WESTERN COOPERATIVE COMPANY,GRD MTC,22.16; WESTERN PLAINS BUSINESS FORMS INC,CONTRACTUAL SVC,88.74; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,91; WINTER CREEK CANAL COMPANY,POST CLOSURE CARE,5146.56; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,EE MEMBERSHIP,2227.5; ZM LUMBER INC,GRD MTC,73.44; UTILITY REFUNDS: JENNA MEYER 58.47; JEREMY BETZOLD 25.81; JERRY DARNELL .73; FRANK HERNANDEZ 12.24; KAREN JACOBSEN 6.26; DON KRUG 11.98; DIANE VANDENBERGE 3.13.

Finance Director Renae Griffiths reported that the March, 2015 Financial Report shows an increase in the sales tax revenue, the April deposit showed a 4% increase for the same month from the prior year.

Mayor Meininger opened the public hearing set for this date at 6:05 p.m. to consider the report of the Economic Development Program Citizen's Advisory Committee. Deputy City Attorney Rick Ediger explained that the City's Economic Development Program Citizen's Advisory Committee are required by law to give the Council a report on the progress of the LB840 program and the City Council must hold a public hearing regarding this report. Only one business is behind on reporting. Accountability of the recipients of LB840 funding is a big part of the success of the program.

City Manager Kuckkahn added that job credit reports were received from the following businesses: Western Pathology Consultants, CS Precision, Karsten Gering, Vertex, CST Mechanical, Aulick Manufacturing, Klein Family Trucking and CHC West, LLC. Staff is asking Council to accept the report and take action on the recommendation to pursue payment from CHC West, LLC of \$15,000.00 as they are no longer in business and have not earned any of the credits. Mr. Ediger also added that the fund is very healthy and more projects are needed.

Council Member Gonzales suggested that representatives from the Citizen Review Committee attend the Council meeting to offer additional information regarding the report.

There were no additional comments from the public. Mayor Meininger closed the public hearing at 6:10 p.m. Moved by Mayor Meininger, seconded by Council Member Shaver, “to accept the report from the Economic Development Program Citizen’s Advisory Committee, and pursue payment from CHC West, LLC in the amount of \$15,000.00,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and Hilyard. “NAYS” None. Absent: None.

Mayor Meininger opened the public hearing at 6:10 p.m. as set for this date to consider the zone change request for Lots 1 and 2, Block 1, City Central Subdivision from M-1 to C-3. City Manager Kuckkahn explained that this zoning recommendation is more restrictive than the current zoning. The property owners requested that action on this request be postponed. There were no comments from the public. Mayor Meininger announced that the public hearing on this item will be continued to a future meeting.

The Final Plat for lots 1 and 2, Block 2, City Central Subdivision will be considered following the rezoning of Block 1, City Central Subdivision. Mayor Meininger announced that this item will also be continued to a future meeting.

Mayor Meininger opened the public hearing at 6:11 p.m. as set for this date, to consider the rezone of Lots 1 and 2, Block 9, Five Oaks Subdivision from Agricultural to Neighborhood and Retail Commercial. Mr. Kuckkahn explained that the owner asked to have this rezone request considered at a later date. Mayor Meininger announced that the public hearing on this item will be continued to a future meeting.

Mayor Meininger opened the public hearing at 6:11 p.m. as set for this date, to consider annexing approximately 32.67± acres of the Five Oaks Subdivision, situated south of 42nd Street and East of Avenue I. Mr. Kuckkahn explained that the Planning Commission recommended approval of the annexation of this property as it is consistent with the comprehensive plan. The infrastructure improvements, sewer, water and streets, will be the responsibility of the owners. There were no comments from the public. Mayor Meininger closed the public hearing at 6:12 p.m. Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE ANNEXING A PARCEL OF LAND CONSISTING OF 1,423,091 SQ. FT. (32.67 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BELOW.**

Scott Keene, with Ameritas, presented information to the Council on draft bond ordinances for road projects and possible bond refunding. Mr. Keene explained that there are two financing projects for the City to consider. The first project involves the General Obligation Highway Allocation Fund to be used to pay the \$2.3 million paving project. The general obligation bonds would be amortized over a five year period, which gets the city out of debt very quickly and allows the advantage of the very low interest rate of 1.82%. The preliminary average annual debt service would be \$490,000.00, and the Ameritas fee is 1%. The estimated cost of issuance is \$6,000.00. Gilmore & Bell would be the Bond Counsel and the paying agent is yet to be determined. The Council will consider the final Ordinance at the May 4, 2015 Council Meeting and settlement should take place the middle of June. The Council will approve the Parameters Ordinance and authorize the Mayor to approve the final agreement.

Mr. Kuckkahn added that we are bringing this to Council now to take advantage of the low oil prices and interest rates to complete our paving projects.

Mr. Keene explained that the second project provides for the Scottsbluff Leasing Corporation to refinance the Series 2009 Bond, \$2.2 million, and replace with the new issue. The decrease of the interest rate will save \$15,000.00 - \$16,000.00 per year which is \$117,000.00 savings over the term.

This would also include the Series 2010 Bond, \$1.285 million, with a decrease of interest savings of about \$45,000.00.

The Refunding Bonds will basically include amendments to the existing documents. Mr. Keene explained the role of the Scottsbluff Leasing Corporation. The lease agreement is between the City and the Leasing Corporation. There is a Trust Indenture between the Leasing Corporation and a Trustee that allows for issuance of the bonds by the Leasing Corporation. These are not bonds of the City, rather bonds of the Scottsbluff Leasing Corporation. The City is obligated to make lease payments to the Scottsbluff Leasing Corporation, who then pays the bond holders.

There is a third component of this Ordinance, which will allow for funding for purchase of properties to be used for the downtown plaza development. So this Bond provides for refunding of 2009 and 2010 Bonds and the purchase of properties for the downtown development.

Mr. Kuckkahn explained that the city is in such good financial shape, that we are able to shorten the amortization period down to five years, thus, saving tax payer's money. Mayor Meininger added that payments of these bonds are from the debt service, not from the general fund.

Assistant City Manager Nathan Johnson explained the draft agreement with the City and the Scottsbluff School District regarding the indoor and outdoor Splash pools. Staff is only asking for authorization to negotiate the contract at this time. The agreement outlines what can be put into place if a Third Party is interested in operating all aspects of the Indoor Splash. The City does not own the Indoor/Outdoor Splash Complex but is looking at a new agreement with the School District to provide the facility for public use through a sublease to a Third Party. The Third Party would be responsible for: administering the half day programming allotment to be structured around the Seacats Swim Team & Torpedoes program; pay for the ongoing operation costs such as lifeguards, chemicals and related routine maintenance items; be self-sustaining and free of City resources.

The draft agreement is similar to the Zoo agreement in that the City would contract with a Third Party; the Third Party then is responsible for the entire costs of operating and maintaining the Indoor Splash pool. We are looking for the Third Party group to organize by July 31, 2015. The City would be willing to provide yearly operating costs for the Indoor Splash, if a third party group decides to organize.

Staff's recommendation, is to honor the existing contract with the Scottsbluff Public School District until the contract expires on July 31st, 2015. The City's programs would continue until that date with adequate staffing. However, at the current staffing levels, the City would not be able to open both the Westmoor and Outdoor Splash facilities due to the lack of lifeguard positions filled.

Once a third party group is organized all entities can discuss a long-term agreement that will be beneficial for all parties involved. After the agreement is executed by all parties the City can discuss with the School District sharing costs on remodeling the men's and women's locker-rooms/bathrooms by going out to bid.

The other option is to let the current contract expire. Staff is recommending that we move forward with pursuing a third party to manage the Splash Pool.

Mayor Meininger summarized that this agreement answers the following concerns presented by citizens at the last City Council Meeting: pool will be available for both the school and city programs; it allows the public to have a voice and be part of a city group; and it allows the city and school to work together on the common space. Mayor Meininger reminded the public that we are still struggling to fill lifeguard positions and encouraged potential lifeguards to come forward to fill these positions.

Mr. Johnson added that we will be working on the total amount needed to support the pool, which will be discussed during the budget workshop. Council Member Shaver clarified that the Seacats, Torpedoes, school and the public will have access to pool. Mr. Kuckkahn added that the city would pay for the lease of the pool, insurance and would be responsible for repairs up to \$12,500.00.

Mayor Meininger commented that the proposed agreement appears to answer everything the public wanted regarding the Splash Pool. Moved by Mayor Meininger, seconded by Council Member Hilyard, "to authorize staff to continue working with the proposed draft contract between the Scottsbluff Public School District and the City of Scottsbluff for the Splash Pool," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

City Manager Kuckkahn presented a final plat and Certificate of Filing for an Ag Estate Dwelling property in the NE ¼ of Section 19, located by the airport. Paul Harris, owner, is proposing to separate approximately 20 acres to allow for a home, separate from the farmland. This is consistent with the surrounding properties and the Planning Commission made a positive recommendation. Moved by Council Member Shaver, seconded by Council Member Hilyard, "to approve the final plat and Certificate of Filing for Ag Estate Dwelling Plat for a tract situated in the NE1/4 of Section 19, T22N, R54W of the 6th P.M., Scotts Bluff Co., NE and authorize the Mayor to sign the Certificate," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Mr. Kuckkahn presented an Ordinance to vacate Lot 4, Block 2, River Run Estates and a portion of Mallard Road, which abuts the City of Gering well property and lots 3 & 4, Block 1, River Run Estates belonging to Jason Zitterkopf. This request is part of the final plat for these lots located west of County Road 19 and north of Pheasant Drive in the City's extra territorial jurisdiction. The Planning Commission approved the Ordinance to vacate with vacation plat at their April 13, 2015 meeting.

Mayor Meininger introduced the Ordinance No. 4153, which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, VACATING LOT 4, BLOCK 2 OF RIVER RUN ESTATES SUBDIVISION AND A PORTION OF MALLARD ROAD, SITUATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., IN SCOTTS BLUFF COUNTY, NEBRASKA.**

Moved by Mayor Meininger, seconded by Council Member Gonzales, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Hilyard, "that Ordinance No. 4153 be adopted," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

Regarding this same property, Mr. Kuckkahn explained the replat of this property, changing the four lots into two larger lots. The property is zoned rural residential and located north of the Riverview Golf Course. The Planning Commission made a positive recommendation regarding this replat. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the final plat of Lots 3A & 9A, amended River Run Estates Subdivision, a replat of Lots 3 & 4, Block 1, River Run Estates Subdivision and Lot 9, Block 1, River Run Estates and Lot 10 amended River Run Estates and unplatted lands and approve Resolution No. 15-04-03," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

RESOLUTION NO. 15-04-03

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

That the final plat of Lots 3A and 9A of amended River Run Estates, a replat of Lots 3 and 4, Block 1, Lot 9, Block 1 of River Run Estates Subdivision and Lot 10, Block 1, Amended River Run Estates Subdivision and the unplatted Lands shown hereon, all situated in NE ¼ of Section 17, T22N, R55W of

the 6th P.M. in Scotts Bluff County, Nebraska dated March 13, 2015, duly made, acknowledged and certified, is approved. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 20th day of April 2015.

Mayor

Attest:

City Clerk

SEAL

Mike Bacon, Gothenburg City Attorney representing Rock Step, LLC, owners of Monument Mall, addressed the Council regarding proposed opportunities to improve the Mall and assist in attracting additional businesses. The Mall has over 60,000 square feet of vacant space they would like to fill. The current owners have made many improvements to the mall with a total investment of \$9 million, including purchase price, in order make this a Class A property. They will need to make additional improvements to entice tenants to locate to this mall. In order to do this, they are asking Council to consider a Request for Tax Increment Financing (TIF) to have access to additional capital. The TIF amount that can be generated is \$578,000 which will be invested back in the mall.

In addition, they are asking that Council adopt an Ordinance imposing a ½ percent occupation tax on sales at the Mall for 20 years. These funds will be used for rehabilitation, including the parking lot and renovation for potential businesses. In addition, they are considering a stand-alone building at the main entrance of the Mall.

The City will need to keep track of the revenue from the occupation tax. This will be an \$8.65 million investment, with \$578,000.00 generated from the TIF and \$1.8 million from the occupation tax over 20 years. This additional revenue will allow them to leverage capital for the entire project. Mayor Meininger asked about the responsibility of paying the bond. Mr. Bacon responded that it is a flow through bond; the owners are responsible for paying the bond.

Council Member Shaver asked what items the TIF can be used. Mr. Bacon responded that it can now be used for rehabilitation, along with the parking lot and exterior improvements.

Tommy Stewart, representing Rock Step, LLC explained that they focus on midtown markets and liked Scottsbluff because of the many projects going on and the involvement of the community. They are also interested in improving the quality of life in Scottsbluff through improvements to the Mall. He added that both the Mall and the improvements downtown are important to the development of our community. Mayor Meininger expressed his appreciation to Mr. Stewart for attending the meeting in person.

As the first step in proceeding with the occupation tax, Council considered amending the Scottsbluff Municipal Code to allow occupation taxes for agreed upon enhanced employment areas and approve the Ordinance. Mayor Meininger introduced Ordinance No. 4154 which was read by title on first

reading: **AN ORDINANCE PROVIDING FOR AN OCCUPATION TAX ON AGREED UPON ENHANCED EMPLOYMENT AREAS, REPEALING PRIOR SECTIONS IN CHAPTER 6 ARTICLE 6 AND CHAPTER 11 ARTICLE 2, AMENDING CHAPTER 6, ARTICLE 6 AND CHAPTER 11, ARTICLE 2 OF THE SCOTTSBLUFF MUNICIPAL CODE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND RELATED MATTERS SUCH AS AN EFFECTIVE DATE.**

Moved by Mayor Meininger, seconded by Council Member Shaver, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Council Member Shaver, seconded by Council Member Hilyard, "that Ordinance No. 4154 be adopted," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

Council then considered the Ordinance providing for the levy of a Retail Business Occupation Tax. Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE PROVIDING FOR AGREEMENT TO THE LEVY OF A RETAIL BUSINESS OCCUPATION TAX; THE LEVY OF A RETAIL BUSINESS OCCUPATION TAX; ESTABLISHING DEFINITIONS; PROVIDING FOR THE ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO SUCH OCCUPATION TAX; SPECIFYING HOW SUCH TAX REVENUE WILL BE USED; PROVIDING A SUNSET PROVISION FOR THE TAX; PROVIDING FOR PUBLICATION IN PAMPHLET FORM, PROVIDING FOR AN EFFECTIVE DATE AND RELATED MATTERS.**

Council introduced an Ordinance dealing with plumbers, licensing and regulations, clarifying that examinations must be given upon application for a plumbing license which was read by title on second reading: **AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 3 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH PLUMBERS, LICENSING AND REGULATION, AMENDING §4-3-57, §4-3-58, §4-3-59, §4-3-60, §4-3-61, §4-3-67, §4-3-69, AND §4-3-70, CLARIFYING THAT EXAMINATIONS MUST BE GIVEN UPON APPLICATION FOR PLUMBING LICENSES, REPEALING ALL PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

Assistant City Manager Johnson presented the interlocal agreement between the City of Scottsbluff and Scotts Bluff County, providing for payment of the overlay project on 21st Ave. from 27th Street to Lake Minatare Rd. Our responsibility will be to pay for the west half of the intersection. Moved by Council Member Hilyard, seconded by Council Member Colwell, "to approve the interlocal agreement between the City and Scotts Bluff County regarding the overlay project on 21st Ave. from 27th Street to Lake Minatare Rd. and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

Mr. Johnson explained the pre-application grant for the Civic Community Center Financing Fund from the Department of Economic Development for the Downtown Plaza project. This grant will pay for up to \$600,000.00 of the project, with 100% match required from the city in cash and in-kind when the final grant is approved. Moved by Council Member Hilyard, seconded by Council Member Colwell, "to authorize the Mayor to sign the Civic Community Center Financing Fund grant pre-application to the Department of Economic Development for the Downtown Plaza project," "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: None.

Regarding the City Manager's annual performance review, Mr. Kuckkahn requested that Council adjourn to executive session at 7:15 p.m. Moved by Mayor Meininger, seconded by Council Member Hilyard, "to adjourn to executive session for the purpose of protection of individuals, to conduct the City

Manager's annual performance review, to include the City Manager and City Council," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

Mayor Meininger stated that the City Council was going into executive session at 7:15 p.m. for the purpose of protection of individuals to conduct the City Manager's annual performance review, to include the City Manager and City Council.

Council reconvened at 8:05 p.m. The following Council Members were present: Raymond Gonzales, Jordan Colwell, Randy Meininger, Liz Hilyard and Scott Shaver. Absent: None.

Mayor Meininger explained that Council discussed the following four areas which were previous goals for Mr. Kuckkahn:

1. Work with the various business districts development is going very well.
2. Comprehensive Plan progress. Staff is moving forward with this plan, which should be ready in six months.
3. Establishing some seed money for Economic Development Revolving Loan funds. City Manager to continue working with this project.
4. Working with the Assistant City Manager and new hires, giving them more responsibilities.

Council asked City Manager Kuckkahn to work directly with the Council to provide weekly information on projects and make sure the information flows both ways. Mayor Meininger explained that the City Manager's wage and benefit package would be addressed during the budget workshop.

Moved by Council Member Colwell, seconded by Council Member Hilyard, "to adjourn the meeting at 8:10 p.m.," "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: None.

Mayor

ATTEST:

City Clerk